

**GOVERNMENT OF TELANGANA
ABSTRACT**

Public Servants – MA&UD Department – Allegation of possession of assets disproportionate to the known sources of income of Sri K.Venkata Swamy, former Dy. EE, Khammam Municipality – Convicted in ACB Court – Imposing penalty of withholding of pension and gratuity in full permanently – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.I(i)) DEPARTMENT

G.O.RT.No. 220

Dated: 13/04/2016
Read the following:-

1. From Inspector of Police, ACB, Warangal Range, Khammam, Radio Message dated 14.12.2006.
2. From the ENC (PH), Hyd. Proc. No.17412/CS7/2006, dated 22.12.2006.
3. From the DG, ACB, Hyd. Lr. No.228/RCA- WKH/ 2006-S6, dated 29.1.2007.
4. From the DG, ACB, Hyd. Lr. No.228/RCA- WKH/ 2006-S5, dated 20.09.2007.
5. Govt. Memo.No.23932/Vig.I(2)/2006-3, MA&UD Deptt., dated 14.7.2008.
6. From the DG, ACB, Hyd. Lr. No.228/RCA- WKH/2006, dated 25.8.2015.
7. From the Hon'ble Court of I Additional Special Judge to SPE & ACB Cases, Hyderabad, Judgement dated 20.8.2015 in C.C.No.13/2015 (Old CC No.35/2011).
8. From the DG, ACB, Hyd. Lr. No.228/RCA-WKH/2006, dated 5.9.2015 & 26.9.2015.
9. Govt. Memo.No.23932/Vig.I(i)/2006, MA&UD Deptt., dated 9.10.2015.

ORDER:-

Whereas in the reference 1st read above, a case was registered by the ACB against Sri K.Venkata Swamy, former Dy. Executive Engineer, Khammam Municipality on allegation of possession of assets disproportionate to the known sources of income. In the reference 2nd cited, the Engineer-in-Chief (PH), Hyderabad has placed the AO under suspension.

2. Whereas, in the reference 3rd cited, the DG, ACB, Hyderabad has furnished final report and recommended to prosecute the AO, Sri K.Venkata Swamy, former Dy. Executive Engineer, Khammam Municipality in a Court of Law u/s 13 (2), r/w 13(1) (e) of the P.C. Act, 1988 for possession of disproportionate assets worth Rs.28,61,849/-.

3. Whereas, Government after careful examination of the matter, the Engineer – in – Chief (PH), Hyderabad has been permitted to accord sanction for prosecution of the AO, Sri K.Venkata Swamy, former Dy. Executive Engineer, Khammam Municipality in a Court of Law u/s 13 (2), r/w 13(1) (e) of the P.C. Act, 1988 for possession of disproportionate assets.

4. The Hon'ble Court of I Additional Special Judge to SPE & ACB Cases, among others, have pronounced the following Judgement :-

"AO is found guilty for the offences punishable under Section 13(1)(e) r/w 13(2) of the P.C. Act, 1988 and he is convicted u/s. 248(2)CrPC. When questioned and heard with regard to the quantum of sentence to be imposed on him. AO submitted that he is sick person and got family burdens and his wife's health is also not good and thus pleaded mercy. Having regard to the facts and circumstances of the case and also nature of the offence. AO is not entitled to the benefit under the provisions of Probation of Offenders Act.

Contd....2.

However, considering the facts and circumstances of the case and also submissions made by AO and his counsel, though a maximum punishment of 7 years is prescribed u/s. 13(2) of the Act, the same is not required in this case. I feel that it would meet the ends of justice, if the AO is sentenced to undergo for **three (3) years** punishment under Section 13(2) r/w 13(1)(e) of the P.C.Act, 1988 and also to pay fine amount of **Rs.50,000/-** (Rupees Fifty thousand only) and in-default of payment of the fine amount to undergo simple imprisonment for a period of **Four (4) MONTHS.**

The Accused is entitled to set off U/sec.428 of Cr.P.C for the remand period already undergone by him. The record reveals that the Accused was in the jail from 15-12-2006 to 21-12-2006.

An amount of Rs.21,01,818.13 ps which is assessed as the value of the disproportionate assets of the accused shall be confiscated to the state after appeal time is over. The accused shall deposit this amount in the court within **FOUR MONTHS** from the date of the judgment and that shall in-turn be remitted to the Government, failing which the state shall take steps for realization of this amount by selling the assets of the accused mentioned in the annexure-I appended to the charge sheet. In case of compliance of this condition of depositing the amount by the accused or in the alternative, the realization of the said amount by the state as directed above, all the documents of title to the properties of the accused and also other material seized from the house of the accused under separate made up files by the investigating agency during the course of searches shall be returned to the accused on proper identification, after appeal time is over.

5. Whereas, in the reference 7th cited, the Director General, ACB, Hyderabad, has requested to take immediate action to withhold the pensionary benefits and gratuity in full permanently of the Accused Officer Sri Kolipaka Venkata Swamy, former Deputy Executive Engineer, Khammam Municipality, Khammam district, under the A.P. Revised Pension Rules, 1980 as he was convicted in a criminal case.

6. And whereas, Govt. after careful examination of the matter, hereby order to impose penalty of withholding of 100% cut in pension and also to withhold gratuity in full permanently in respect of the AO, Sri K.Venkata Swamy, Dy. EE (Retd.), Khammam Municipality, in terms of rule 9 of A.P.Revised Pension Rules, 1980 and in view of his conviction vide Judgement dated 20.8.2015 of Hon'ble Court of I Additional Special Judge to SPE & ACB Cases, Hyderabad, in C.C.No.13/2015 (Old CC No.35/2011).

7. The Engineer-in-Chief (PH), Hyderabad shall take action accordingly, and intimate the action taken report to Govt.,

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M.G.GOPAL.
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
Sri K.Venkata Swamy,
Dy. EE (Retd.), H.No.11-24-142,
Shanthinagar, Bank Colony,
Warangal – 506012 through ENC (PH), Hyderabad.
The ENC (PH), TS, Hyderabad.

Copy to:
The Director General, ACB, Hyderabad.
The Secy. to VC, TSVC, Hyd.
SF/SC